IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 7377 of 2007(C)

PETITIONERS:

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1. HAMZA M.K., AGED 39 YEARS,
   S/O.KUNJU MOHAMMED, MULLAPPILLY HOUSE,
   CHOWARA P.O., EDNAD, ERNAKULAM DISTRICT.

2. RADHAKRISHNAN AGED 45 YEARS,
   KATTUNGAL HOUSE, CHERANALLOOR P.O.,
   KOOVAPPADY VILLAGE.

BY ADV. SRI.C.A.NAVAS
SRI.SHABEER ALI
SMT.SIMI C.SIVASANKAR
SRI.T.K.SASIKUMAR

RESPONDENTS:

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1. KOOVAPPADY GRAMA PANCHAYATH,
   REPRESENTED BY ITS SECRETARY,
   ERNAKULAM DISTRICT.

2. SUB INSPECTOR OF POLICE, KODANAD,
   ERNAKULAM DISTRICT.

3. CIRCLE INSPECTOR OF POLICE,
   PERUMBAVOOR, ERNAKULAM DISTRICT.

R2 & R3 BY ADV. SMT. T.B. RAMANI, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 7377 OF 2007

Dated this the 9th day of March, 2007

JUDGMENT

Even though the respondents have been served with notice by special messenger, none of them have entered appearance.

2. The grievance of the petitioner is that the respondents are not enforcing of the queue system on first come first served basis at a river sand loading centre recognised by the 1st respondent by name Manikyathan Kadavu and this results in undue advantage being given to those vehicle owners who are able to influence the respondents. The allegation is that the influence is by using muscle power and as a result of this equitable distribution of loads is denied to the petitioners and other similarly placed drivers.

3. The issue seems to have been considered by this Court in the case of a nearby Panchayat by name Kanjoor Panchayat, I am of the view that the decision taken by this Court in Ext.P7 case can be made applicable in this case also. Accordingly, on the reasons stated in Ext.P7, this Writ Petition will also stand disposed of issuing the following directions:

The respondents will ensure that the queue system to the extent possible is followed at the Manikyathan Kadavu and that all the vehicle

owners/drivers get equitable distribution of loads and it will be open to the petitioners to approach the Panchayat and respondents 2 and 3 if any of the vehicle owners/drivers violate the queue system. On receipt of such complaint, the respondents 2 and 3 will take appropriate action against the culprits.

PIUS C. KURIAKOSE, JUDGE

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